

REMARKS

In the outstanding Official Action, a restriction and contingent election requirement were set forth based on PCT practice. Claims 8-31 were withdrawn from consideration. Figures 1-6 were objected-to as lacking a designation by an appropriate legend such as --Prior Art--. Claims 1-7 were rejected under 35 U.S.C. §103(a) over the Admitted Prior Art (APA) in view of DIVELBISS et al. (U.S. Patent No. 6,943,852).

Attached hereto, Applicant is submitting replacement sheets of drawings for Figures 1-6, each labeled as "Prior Art". In view of the attached replacement sheets of drawings, reconsideration and withdrawal of the outstanding objection is requested.

The withdrawal of claims 8-31 is traversed. The basis of the new restriction and contingent election requirements (i.e., under PCT practice) was first set forth in the outstanding Official Action. That is, the previous restriction and contingent election requirements were withdrawn based on the Election with Traverse filed on July 27, 2006. As a result of the withdrawal of the previous requirements, the previous election of claims 1-7 was rendered moot. Withdrawal of non-elected claims is therefore premature.

The outstanding rejection, restriction requirement and contingent election requirement are traversed. Upon entry of the present amendment, claims 1-31 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 32-50 will have been added for consideration. The cancellation of claims 1-31 should not be considered an indication of Applicant's acquiescence as to the propriety of any requirement or rejection. Rather, claims 1-31 have been cancelled and claims 32-50 have been added to more clearly recite the features of the invention to which the pending claims are directed, and to advance prosecution and obtain early allowance of claims.

In view of the cancellation of claims 1-31, each of the restriction requirement, the contingent election requirement, and the outstanding rejection will have been rendered moot. On this basis alone, reconsideration and withdrawal of each of the restriction requirement, the contingent election requirement, and the outstanding rejection, is respectfully requested. Nevertheless, Applicant traverses the restriction requirement, the contingent election requirement, and the premature withdrawal of claims 8-32 at least for the reasons set forth herein. Applicant also traverses the outstanding rejection of claims 1-7 insofar as any or all of claims 32-50 recite combinations of features similar to the combinations of features previously recited in claims 1-7.

Upon entry of the present amendment, claim 32 will be the only independent claim pending. At least because each of the claims now pending includes at least the features recited in the combination of an allowable claim 32, unity is present as among each of the claims now pending. Accordingly, claims 32-50 are not properly subject to a further restriction and/or election requirement under PCT practice.

Nevertheless, if the Examiner persists in maintaining any aspect of the previous restriction and contingent election requirements, Applicant elects the invention (as identified by the Examiner) of Group I, to which former claims 1-25 were directed, and Applicant further elects Species Ia (as identified by the Examiner), to which former claims 1-7 were directed.

Applicant traverses the rejection of claims 1-7 under 35 U.S.C. §103(a). In this regard, the combination of features recited in new claim 32 uses a flexible polarizer film as a substrate of a liquid crystal cell. The Admitted Prior Art does not disclose an eyeglass lens that uses a flexible polarizer film as a substrate of a liquid crystal cell. That

is, as shown in the Admitted Prior Art shown in Figures 1a and 1b of the present application, transparent glass 15a (15b) and a polarizer 16 (or 17) are successively formed (see p. 2, line 17 to p. 3, line 2). Additionally, as shown in the Admitted Prior Art shown in Figure 2 of the present application, transparent glass 33 (34) and a polarizer 35 are successively formed (see p. 4, lines 8-18). However, the Admitted Prior Art does not disclose the combination that includes an "upper flexible polarizer film layer formed on an upper transparent electrode" or that a "lower flexible polarizer film layer formed on a lower transparent electrode" as recited in claim 32. That is, the Admitted Prior Art does not disclose the combination that includes a polarizer formed on an electrode, let alone that the polarizer is a flexible polarizer film layer. Further, DIVELBISS does not disclose teachings that would result in the combination of claim 32 even if used to modify the Admitted Prior Art. Accordingly, even the combination of the Admitted Prior Art and DIVELBISS would not result in the combination of features recited in claim 32.

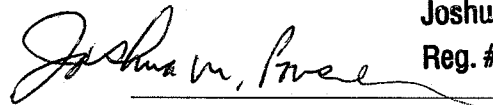
Further, there is no proper motivation to modify the Admitted Prior Art with the teachings of DIVELBISS or any other document to obtain the combination recited in claim 32. The invention to which claim 32 is directed produces a simple structure and a proper curvature suitable for a human face using the flexible polarizer film as a substrate of the liquid crystal cell. However, there is no proper motivation to modify the Admitted Prior Art to obtain the features recited in the combination of claim 32. Rather, such modification would destroy central characteristics of the Admitted Prior Art. Accordingly, the only motivation to modify the Admitted Prior Art in the manner necessary to obtain the combination recited in claim 32 is the improper motivation to obtain the combination of claim 32 in hindsight.

Accordingly, even modification of the Admitted Prior Art with the teachings of DIVELBISS would not result in the combination recited in new claim 32. Further, there is no proper motivation to modify the Admitted Prior Art in the manner necessary to obtain the combination recited in claim 32. Accordingly, the features of claim 32 are not disclosed, suggested or rendered obvious by the Admitted Prior Art in view of DIVELBISS. Of course, each of dependent claims 33-50 is allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

At least in view of the herein-contained new claims, replacement figures and remarks, reconsideration and withdrawal of each of the restriction requirement, election requirement, objection and rejection is respectfully requested. As set forth above, each of the claims now pending is believed to be allowable, and Applicant therefore respectfully requests an indication of the allowability of each of the claims now pending.

Should there be any questions regarding this Response, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
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